THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17079 of 2005

WEDNESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Smt. V. Janakamma, D/o. Pichaiah,
Yendlapalli Village, Suryapet Mandal, Nalgonda District.

..... PETITIONER

AND

1 The District Collector (C.S.) Nalgonda.
2 The Revenue Divisional Officer, Suryapet, Nalgonda District.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner is aggrieved by the notification issued by the 2nd respondent on 05-02-2005 calling for applications for grant of authorization on a permanent basis for the fair price shop No.2 of Yendlapalli village, Suryapet Mandal, Nalgonda district. The petitioner was a permanent fair price shop dealer of the said fair price shop. Her authorization was initially suspended on 09-05-2002 for certain specified irregularities. After due process, the authorization was cancelled on 10-10-2002. Against the order of cancellation, the petitioner preferred an appeal to the Joint Collector concerned. By the order dated 07-04-2003, the appeal was dismissed. Thereafter on 05-02-2005, the impugned notification calling for the applications for authorization of Fair price shop was issued by the 2nd respondent. After noticing the notification impugned, the petitioner woke up and filed a revision to the 1st respondent herein on 21-07-2005. She claims to have filed an application for condonation of delay in preferring the revision.

The petitioner's contention is that no notification for permanent authorization should be issued pending consideration of her revision

before the 1st respondent. This contention merits no consideration. The 2nd respondent issued the notification after the appeal of the petitioner was dismissed by the Joint Collector on 07-04-2003, in fact, more than two years subsequent to the dismissal of the appeal. The fact that the petitioner, subsequent to the notification impugned, filed the revision before the 1st respondent along with an application for condonation of delay, would not, in law, interdict the notification. Even the petitioner's application for condonation of delay has yet to be considered by the 1st respondent. In the circumstances, this court finds no infirmity in the impugned notification issued by the 2nd respondent. If the petitioner's application for condonation of delay is ordered and if her revision is also allowed, in such eventuality any permanent arrangement made, may, in the discretion of the 1st respondent, the revisional authority, be liable to be dealt with in accordance with the disposition of the petitioner's revision. As at present, no case is made out for interdicting the notification impugned in this writ petition. The writ petition is without merits and is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dt. 03-08-2005

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